

By: Guillen

H.B. No. 2679

A BILL TO BE ENTITLED

AN ACT

relating to an alternative plea of a defendant detained in jail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.023, Code of Criminal Procedure, is amended by adding Subsections (b), (c) and (d) and (e) to read as follows:

(a) After the jury is impaneled, or after the defendant has waived trial by jury, the defendant may:

- (1) plead guilty or not guilty;
- (2) enter a plea of nolo contendere; or
- (3) enter the special plea of double jeopardy as described by Article 27.05.

(b) If the defendant is detained in jail, the justice or judge may permit the defendant to:

- (1) enter a plea of guilty or not guilty;
- (2) enter a plea of nolo contendere; or
- (3) enter the special plea of double jeopardy as described by Article 27.05.

(c) If the defendant enters a plea of guilty or no contest while detained in jail, the justice or judge may, after complying with Article 15.17 and admonishing the defendant of the right to trial by jury, accept the defendant's plea, assess a fine, determine costs, accept payment of the fine and costs, give credit

1 for time served, determine indigency, or, on satisfaction of the
2 judgment, discharge the defendant, as the case may indicate.

3 (d) Not later than the 10th day after the date that ~~the~~ a
4 judgment is entered pursuant to subsection (b) above, if the
5 defendant files a motion for new trial, the justice or judge shall:

6 (1) set aside the judgment;

7 (2) determine the amount of bail necessary to secure the
8 defendant's appearance;

9 (3) set the case on the court's docket; and

10 (4) proceed, as soon as practicable, to try the case.

11 (e) Notwithstanding subsection (d), a defendant shall not
12 be granted more than one new trial in the same case.

13 SECTION 2. This Act takes effect September 1, 2013.